

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILLIP SMITH,

Plaintiff,

Case No. 4:04-cv-57

v.

HON. DAVID W. McKEAGUE

RANDY MIKKELSON,

Defendant.

_____ /

JUDGMENT ORDER

In accordance with the Court's written opinion of even date,

IT IS HEREBY ORDERED that defendant Randy Mikkelson's motion for summary judgment is **GRANTED**; and

IT IS FURTHER ORDERED that defendant is hereby **AWARDED SUMMARY JUDGMENT** on plaintiff Phillip Smith's claim under 42 U.S.C. § 1983 that he was deliberately indifferent to plaintiff's serious medical need; and

IT IS FURTHER ORDERED pursuant to 28 U.S.C. § 1915(a)(3) that the Court discerns no good faith basis for appeal of this ruling.

Dated: June 9, 2005

/s/ David W. McKeague
DAVID W. McKEAGUE
UNITED STATES DISTRICT JUDGE